

PORPS21 – Chapter 15 (Urban form and development)

Jeff Brown notes for hearing – 16 February 2021

Policy UFD-P8

1. My para 2.2 sets out the changes I consider are necessary to this policy – delete limb (1), and in limb (2), delete the reference to limb (1).
2. Key reasons: **firstly** those that I outline in my paras 2.5 – 2.8, in summary:
 - In 2.5: when factoring in all of the constraints on development (for example including imperatives for landscape, ecology, reverse sensitivities, highly productive land) as well as this constraint regarding adjacency to urban areas, seriously limits opportunities for new rural lifestyle developments; and
 - In 2.6: it would unnecessarily prevent rural lifestyle activities where it may otherwise be the most appropriate zoning of the land in question when put to the tests under s32, whether or not the land is adjacent to existing or planned urban areas;
 - In 2.8: taking into account all of the relevant considerations, there is no justification for land to be disqualified from rural lifestyle just because it is not adjacent to an urban area.
3. Secondly, if land adjacent to an urban area is suitable for rural lifestyle development when examined under the various relevant variables (landscape and so on) then it is likely it is suitable for urban development which is – in the context of districts where land suitable for urban development is very finite – a far more efficient use of that land than rural lifestyle.
4. Thirdly, this raises the issue of juxtaposing limb (1) and limb (2) which clearly do not sit amicably together.
5. Overall: any case for new or extended rural lifestyle areas should be based on the opportunities and constraints inherent in a particular area and not forced to be adjacent to an urban area.

Policy UFD-O4

6. I consider that the changes I set out in my paragraph 3.2 are necessary so that rural lifestyle as a development form is not just areas zoned for that purpose. It also includes small scale, ad hoc rural living in rural areas, outside dedicated rural lifestyle zones, which often have a consenting pathway, for subdivision and development.
7. My changes differentiate between the two forms, and do not foreclose the potential for the small scale form. District Plans would then be able to address the specifics of the consenting pathway – for example the Queenstown-Lakes District's Rural Zone, which imposes a discretionary consenting pathway for new rural living, but subject to a very stringent assessment on a range of factors particularly landscape.

Policy UFD-P7

8. It follows from my discussion above that this policy is unnecessary and it should be deleted.

UFD-AER11

9. Based on my discussion above the Anticipated Environmental Result needs to be expanded to recognise small scale rural lifestyle as well as formal zones for this purpose. I suggest modifying this clause (my changes in blue):

UFD-AER11

All new rural lifestyle development occurs within areas zoned for this use or otherwise recognised through district plan provisions.

Update following hearing

10. In response to questions from the Panel I agreed to review the relevant objectives and policies and to advise if I considered that any further changes to the provisions may be required to ensure that the message conveyed in my revised UFD-AER11 has a clear policy basis.
11. To reiterate my evidence at paragraph 3.3(e), with my suggested changes to Objective UFD-O4, Councils would still use strategic planning and/or plan change processes before adopting rural lifestyle zones (under limb (3) of UFD-O4), while small-scale rural lifestyle development would not be foreclosed (because they are captured as “other activities” in limb (4) of UFD-O4).
12. However, to ensure that this is more explicit, I consider that, in addition to my suggested changes to limb (3) (at paragraph 3.2 of my evidence), the following addition to limb (4) of UFD-O4 would be appropriate (addition in blue underline):

- (4) **outside of areas identified in (3), ~~maintains and enhances~~ provides for the ongoing use of rural areas for primary production, supported by rural industry in appropriate locations, and facilitates ensures that other activities (including rural lifestyle development) ~~that have an operational need or functional need to locate in rural areas, that will do not compromise the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.~~ and**

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